

Appl. No. 10/782,607
Amdt. dated 06/13/2006
Response to Office Action of 03/14/2006

Attorney Docket No.: E1972-00001

REMARKS/ARGUMENT

Claims 1-10 and 12-24 were previously pending in this Application and each of claims 1-10 and 12-24 has been rejected. Claims 1-4, 7, 10, 12-14, 16-18 and 20 are being amended in this paper, and claims 6, 8, 9, 15 and 24 cancelled. Claims 25-29 are newly added. Applicant respectfully requests re-examination and reconsideration of claims 1-5, 7, 8, 10, 12-14 and 16-23 and allowance of each of claims 1-5, 7, 10, 12-14, 16-23 and 25-29.

First and foremost, Applicant would like to take this opportunity to thank Examiner William Joseph Carter and the Examiner's supervisor, Ali Alavi, for the opportunity to discuss the claimed invention with Applicant's undersigned representative in a telephonic Examiner interview that took place on May 9, 2006.

This response is being filed in conjunction with a Request for Continued Examination (RCE).

I. Rejection of Claims 1-7, 10, 13-15, 18, 22 and 24

On page 2 of the subject Office Action, claims 1-7, 10, 13-15, 18, 22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Westfall (USPN 6,663,259) in view of Azeredo, et al. (USPN 6,079,855). Applicant respectfully submits that these claim rejections are overcome for reasons set forth below.

Claims 1, 7, and 18 represent the independent claims of the rejected set of claims 1-7, 10, 13-15, 18, 22 and 24. Each of independent claims 1, 7 and 15 has been amended pursuant to the conversation that took place in the Examiner interview of May 9, 2006.

Independent claim 1 recites the features of:

a plurality of interchangeable decorative adornments
magnetically coupled to said apparatus simultaneously;

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wherein each of said interchangeable decorative adornments is attachable anywhere on a continuum of non-fixed locations of said apparatus to provide multiple configurations to said apparatus.

- 5 Neither of the cited references of Westfall and Azeredo provide the feature whereby the interchangeable decorative adornments are simultaneously attached to the apparatus and each of the interchangeable decorative adornments is attachable anywhere on a continuum of locations to provide multiple configurations to the apparatus. Claim 1 is therefore distinguished from the references of Westfall and
- 10 Azeredo, taken alone or in combination. Claims 2-5 depend from claim 1 and are therefore similarly distinguished from the references of Westfall and Azeredo.

Independent claim 7 has also been amended and recites the features of:

a reconfigurable chandelier:

- 15 a plurality of interchangeable decorative adornments, each including a magnet and said plurality of interchangeable decorative adornments being magnetically coupled to said fixed portions simultaneously; and

- 20 wherein said fixed portion comprises an exposed metal surface capable of receiving any of said interchangeable adornments anywhere thereon.

Claim 7 is distinguished from the references of Westfall and Azeredo for reasons discussed above – neither of these references teaches an exposed metal surface capable of receiving interchangeable decorative adornments anywhere thereon.

- 25 FIG. 7 further recites the feature of a chandelier, known to be branched lighting apparatus. Claim 7 is further distinguished from the references because neither Westfall nor Azeredo is directed to a chandelier, i.e. neither is a branched lighting apparatus. Claim 7 and therefore dependent claims 10, 12-14 which depend from claim 7, are therefore further distinguished from the references of Westfall and Azeredo, taken alone or in combination.

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Independent claim 18 has also been amended and now recites the features of:

A set of interchangeable decorative adornments for simultaneous attachment;

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each said interchangeable decorative adornment . . . being magnetically attachable to any corresponding metal portion of one of said reconfigurable decorative lighting units, at the same time.

Independent claim 18 is also distinguished from the references of record, namely Westfall and Azeredo, because neither of these references teach or suggest the
10 claimed feature of the interchangeable decorative adornments being attachable to any corresponding metal portion of one of the reconfigurable decorative lighting units. Independent claim 18 and therefore also dependent claims 22 and 24 are therefore distinguished from the references of Westfall and Azeredo.

With claims 6, 15 and 24 cancelled, and for the foregoing reasons, the rejection
15 of claims 1-7, 10, 13-15, 18, 22 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Westfall in view of Azeredo, should be withdrawn.

II. Rejection of Claims 8 and 20

On page 6 of the subject Office Action, claims 8 and 20 were rejected under 35
20 U.S.C. § 103(a) as being unpatentable over Westfall and Azeredo as applied to claims 7 and 18, and further in view of McDermott (USPN 5,655,308). Applicant respectfully submits that these claim rejections are overcome for reasons set forth below.

Claim 8 has been cancelled and this claim rejection is therefore obviated.

The cited reference of McDermott has apparently been relied upon for providing a rare earth magnet and does not make up for the above-stated deficiencies of the
25 combination of Westfall and Azeredo. Moreover, dependent claim 20 has been amended and no longer recites the feature of a rare earth magnet. Claim 20 now recites further distinguishing features of Applicant's invention. Claim 20 ultimately

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depends from claim 18 which is distinguished from the references of Westfall and Azeredo, as above. Claim 20 is therefore also distinguished from the references of Westfall and Azeredo and since McDermott does not make up for the above-stated deficiencies of Westfall and Azeredo, claim 20 is distinguished from each of the
5 aforementioned references of record. The rejection of claim 20 under 35 U.S.C. § 103(a), should therefore be withdrawn.

III. Rejection of Claims 9, 16, 17 and 19

On page 6 of the subject Office Action, claims 9, 16, 17 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Westfall and Azeredo as applied
10 to claims 7 and 18, further in view of Bayer (USPN 6,241,370), hereinafter "Bayer '370." Applicant respectfully submits that these claim rejections are overcome for reasons set forth below.

Claim 9 has been cancelled. Claim 19 depends from amended independent claim 18 which is distinguished from the references of Westfall and Azeredo for reasons
15 set forth above. The reference of Bayer '370 has apparently been relied upon for providing a chandelier. However "Bayer ['370] does not teach decorative adornments that are easily interchangeable because they are simply and releasably magnetically coupled to the chandelier" as conceded in the Office Action in the paragraph bridging pages 6 and 7, much less that these interchangeable adornments are magnetically
20 attachable to any corresponding metal portion of a decorative lighting unit. The fasteners 310 of Bayer '370 are clearly only attachable as fasteners, not decorative adornments, to fixed and prescribed locations on the lighting unit. The reference of Bayer '370 therefore does not make up for the above-identified deficiencies of the combination of Westfall and Azeredo. Claim 18 and therefore also claim 19 are each
25 distinguished from the references of Westfall, Azeredo, and Bayer '370. The rejection of claim 19 under this section, should therefore be withdrawn.

Formerly independent claim 16 has been amended to now depend from newly added claim 29 and claim 17 depends from newly-dependent claim 16.

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Newly added independent claim 29 recites the features of:

a chandelier comprising a hanging branched lighting fixture with a plurality of lights and a frame; and

5 changing components and the appearance of said chandelier by only disengaging at least one magnet and attaching at least one further magnet.

Applicant respectfully submits that newly added claim 29 is distinguished from the references of record and therefore in allowable form. Dependent claims 16 and 17 are similarly distinguished and therefore the rejection of claims 16 and 17 under 35 U.S.C. § 103(a), should be withdrawn.

IV. Rejection of Claims 12, 21 and 23

On page 7 of the subject Office Action, claims 12, 21 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Westfall and Azeredo as applied to claims 7 and 18, further in view of Bayer (USPN 6,712,490), hereinafter "Bayer '490".

15 Applicant respectfully submits that these claim rejections are overcome for reasons set forth below.

Claim 12 depends from amended independent claim 7 and claims 21 and 23 depend from amended independent claim 18, each independent claim distinguished from the references of Westfall and Azeredo for reasons set forth above.

20 The reference of Bayer '490 has apparently been relied upon for providing a decorative adornment formed of crystal and the adornment being coupled by one of string, wire, metal links and a metal chain. The reference of Bayer '490 does not make up for the above-stated deficiencies of Westfall and Azeredo. In particular, Bayer '490 does not provide the attachable decorative adornments being magnetically coupled

25 anywhere on a continuous surface. Since Bayer '490 does not make up for the above-stated deficiencies of the combination of Westfall and Azeredo, each of independent claims 7 and 18 and therefore each of dependent claims 12, 21 and 23 is distinguished

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from the references of Westfall, Azeredo, and Bayer '490 and therefore the rejection of claims 12, 21, and 23 under 35 U.S.C. §103(a) should be withdrawn.

V. Newly Added Claims

Claims 25-29 are newly added with claims 28 and 29 being independent claims.

- 5 Applicant respectfully submits that each of independent claims 28 and 29 point out combinations of features discussed during the aforementioned Examiner interview and that distinguish Applicant's invention from the references of record. Claims 28 and 29 are each earnestly believed to be in allowable form. Claims 25-27 each depend, directly or indirectly, from amended independent claim 1 and are believed to be in
- 10 allowable form for reasons discussed in conjunction with independent claim 1.

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CONCLUSION

Based on the foregoing, each of pending claims 1-5, 7, 10, 12-14, 16-23 and 25-29 is in allowable form and the application therefore is conditioned for allowance, which action is respectfully and expeditiously requested.

5 The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication, to Deposit Account 04-1679.

Respectfully submitted,

10 Dated: 13 June 2006


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